

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS JAMES IMHOFF,

Defendant.

CR 20–24–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on September 9, 2020. Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Mr. Imhoff’s plea of guilty after Mr. Imhoff appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) (Count

II), as set forth in the Indictment. In exchange for Mr. Imhoff's plea, the United States has agreed to dismiss Count I of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 57), and I adopt them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 57) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Imhoff's motion to change plea (Doc. 48) is GRANTED and Mr. Imhoff is adjudged guilty as charged in Count II of the Indictment.

DATED this 28th day of September, 2020.



Dana L. Christensen, District Judge
United States District Court